

EXHIBIT NO. 1

City of Alexandria, Virginia

15
2-25-03

MEMORANDUM

DATE: FEBRUARY 24, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR 

SUBJECT: FINAL STATUS REPORT (NO. 4) ON LEGISLATION INTRODUCED AT THE
2003 GENERAL ASSEMBLY SESSION

ISSUE: Final status report (No. 4) on legislation introduced at the 2003 General Assembly Session.

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The 2003 General Assembly Session, which began on January 8, adjourned February 22. During the Session over 2100 bills were considered, and approximately half of these passed.¹ By March 24, the Governor must review each bill and approve it, veto it, or recommend specific amendments for the General Assembly's consideration at the reconvened (veto) Session, which will be held on April 2. Attachment 1 shows the final status of legislation on which the City has taken a position.

City Package. The final action on bills endorsed in the City's legislative package is shown below:

- HB 1710, which sought to create a separate category—movie theater admissions—for which a locality may charge an admissions tax, was defeated.
- HB 2107, which would have authorized localities to increase the local recordation tax by 5¢ (to 10¢ per \$100) and use the new revenue for open space or affordable housing, was defeated.

¹ The General Assembly also considered over 600 resolutions, which generally commend someone, memorialize someone who has died, or seek to create a legislative study.

- House Joint Resolution 564, which sought a study on appropriate foster care rates, was stricken once the patron (Delegate Darner) received assurances that the Virginia Commission on Youth would undertake this study without the authorizing resolution.
- House Bill 2532, which would have increased funding for transit by raising, from 2 percent to 4 percent, the sales tax on motor fuels in the Northern Virginia Transportation Commission (NVTC) localities, was defeated.
- SB 1285 will allow the City to make a supplemental assessment on any substantially completed building that is completed and deemed fit for occupancy at any time during the year. The bill was passed by the Senate; defeated 13-7 in the House Finance Committee when it was first heard; resurrected and reported out of the same Committee unanimously (22-0); and passed by the House. It now awaits action by the Governor. The Governor has already signed a bill providing this assessment authority to Fairfax City.
- Legislation to give Northern Virginia localities the authority to adopt ordinances requiring drivers to stop for pedestrians in marked crosswalks (drivers are now required only to yield) was defeated.
- Legislation to extend red light camera authority to those localities that do not have it, and to eliminate the program's 2005 sunset provision, was defeated.
- Enabling legislation for a constitutional amendment (HJR 635, Delegate Moran; SJR 283, Senator Yvonne Miller) authorizing the General Assembly to provide by general law for the restoration of civil rights for certain felons was passed. This enabling legislation will have to be reenacted in the 2004 Session in order to be submitted to the voters for ratification in November 2004.
- Budget amendments requesting the Governor to give priority to various increases in child day care funding when preparing the Commonwealth's 2005-2006 biennial budget were approved.

House Bill 1678: Residential Rental Inspections. House Bill 1678 was introduced on behalf of realtors and the apartment and office building industry to significantly limit the ability of local governments to operate residential rental inspection programs, and passed both houses of the General Assembly. This legislation will require the City to significantly revise its Residential Rental Permit (RRP) program, which has been in place in its current form for over a quarter century. Inspections will be allowed only for dwelling units which: (1) are located in a deteriorating area designated as a conservation or rehabilitation district, or in an area designated as blighted; and (2) have a greater number of building code violations than other dwelling units in the locality. The majority of units in a designated conservation or rehabilitation district must be over 20 years old. A fee to cover the cost of inspections (up to a maximum of \$50) may be charged under the new program.

This legislation will eliminate the City's ability to do annual proactive inspections of dwelling units. The City's current program must be revised to comply with this law by July 1, 2004.

State Budget. On February 21, the House and Senate budget conferees completed their work on amendments to the Governor's budget. On February 22, the proposals were adopted by both the House and the Senate. In the last General Assembly update to Council, a number of proposals affecting the City were reviewed. Following is the final disposition of these proposals, as well as other budget amendments:

- **Federal Prisoner Payments.** The General Assembly rejected the House proposal to have the City remit to the State at least \$1.1 million of the federal payments the City receives for housing federal prisoners. While the rationale for this was that the State pays a portion of the salaries of deputy sheriffs, the reality is that it pays a relatively small portion of some of the City's deputy sheriffs (the City fully funds 59 of the deputies at the City jail).
- **HB 599.** The General Assembly is providing level funding for HB 599 local law enforcement assistance for FY 04. The City is expected to receive slightly less than \$6 million for HB 599 funding in each year of this biennium (FY 2003 and 2004).
- **Arlandria Clinic.** The Arlandria Clinic will continue to receive \$95,625 in state funding in FY 04, and it should continue to be included in the State Health Department's base budget.
- **Project Discovery.** Project Discovery funding was not eliminated; it has been reduced by \$49,060 statewide for FY 2004 (total funding will be \$800,000).
- **Alexandria City Public Schools.** Approximately \$178,000 in new funding is provided for the Alexandria Schools. Money for salary increases – approximately \$103,000 of this new funding – is contingent on (i) there being no state revenue downturn prior to August 15, 2003; and (ii) the school system certifying that City teachers have been given a 2.25 percent salary increase in FY 2004.
- **Payments to Constitutional Officers and City Finance Department.** Payments to the City Finance Department will be reduced by an undetermined amount (statewide reductions are approximately \$1.1 million); the Commonwealth's Attorney received additional reductions, and will lose approximately \$100,000 over the biennium as a result of the combined cuts by the Governor and the General Assembly.
- **TANF.** TANF (Temporary Assistance to Needy Families) funding will be reduced by 15 percent for a number of programs, including domestic violence. The City expects to lose about \$8,000 as a result of this amendment.

- **Salary Increases for State-supported Local Employees.** Funding is provided for a salary increase for state-supported local employees (2.25 percent effective December 1, 2003) if there is no state revenue downturn prior to August 15, 2003.
- **Litter Control.** Funding for litter control grants was restored. In the current fiscal year, the City is receiving nearly \$16,000 under this program.

The Governor has 30 days to consider further amendments to the budget. Attachment 2 is a table which lists these and other budget items affecting the City.

ATTACHMENTS:

Attachment 1 – Final Status of Bills From the City's 2003 Legislative Package, February 22, 2003

Attachment 2 – General Assembly Budget Amendments Affecting the City of Alexandria: FY 2003-2004

STAFF:

Bernard Caton, Legislative Director

Michele Evans, Assistant City Manager

Attachment 1
Status of Bills on Which the City has Previously Taken a Position
February 22, 2003

HB 1382 Courthouse and courtroom security; assessment.

Summary as introduced:

Courthouse and courtroom security; assessment. Eliminates the "July 1, 2004" sunset on the provision that allows any county or city to assess a sum not in excess of \$5 as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted that is collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security.

Patron: Cosgrove

02/19/03 Passed House and Senate

Notes: City Position: Support

HB 1387 Local business license fees; telecommuting enhancement exemption.

Summary as introduced:

Local business license fees; telecommuting enhancement exemption. Provides an exemption from local business license fees to any person, firm, or corporation whose annual gross receipts do not exceed \$250,000 and at least 75 percent of whose business operations are carried out through telecommuting. The distance from the telecommuter's home to the central worksite must be at least 50 miles except in areas designated as nonattainment for one-hour ozone and severe traffic congestion pursuant to the federal Clean Air Act. In addition, an alternate worksite must be at least 50 percent closer to the individual's home than the central worksite is to his home.

Patrons: Lingamfelter and Dudley

01/20/03 Defeated

Notes: City Position: Oppose

HB 1421 Duty to report childbirth.

Summary as introduced:

Duty to report childbirth. Provides that any woman who gives birth without the assistance of a health care professional after more than 24 weeks have elapsed since the beginning of her last menstrual period and who, though she is reasonably able to do so, fails to report the birth, whether a live birth or stillbirth, within 12 hours of the event, to the local sheriff, police department or fire department is guilty of a Class 1 misdemeanor.

Patrons: Cosgrove and Rapp

02/04/03 Defeated

Notes: City Position: Oppose

HB 1471 Alexandria Port Commission.

Summary as introduced:

Alexandria Port Commission. Repeals the Act of Assembly that created the Alexandria Port Commission. The Commission does not exist and this Act is obsolete.

Patrons: Landes, Albo, Cole, Howell, Lingamfelter, Reese and Saxman; Senators: Edwards and Mims

02/14/03 Passed House and Senate

Notes: City Position: Support

HB 1499 Notification to parents of certain health services to minors.

Summary as passed House:

Notification to parents of certain health services to minors. Requires any state or local government agency employee who provides services to a minor, for which such minor is deemed an adult for purposes of consent, to notify, within 2 business days of delivery of such services, a custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service when the service relates to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide. The employee is required to provide notice in person or by telephone, or if those attempts are unsuccessful, by certified mail to the authorized person; however, notification shall not apply when the employee has knowledge that such notification would result in future physical or mental abuse.

Patrons: Lingamfelter, Athey, Black, Byron, Callahan, Cole, Cosgrove, Cox, Janis, Marrs, Marshall, R.G., McDonnell, Oder and Wright; Senator: Cuccinelli

02/13/03 Defeated

Notes: City Position: Oppose

HB 1507 Virginia Retirement System.

Summary as introduced:

Virginia Retirement System. Increases the retirement allowance for members of the Virginia Retirement System who retire on or after July 1, 2003, with 25 years or more of service by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.75 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance; (ii) from 2 percent to 2.5 percent for members of the Virginia Law Officers' Retirement System who are eligible for the supplemental allowance; and (iii) from 1.7 percent to 2 percent for all others.

Patrons: Callahan and Nutter

01/27/03 Defeated

Notes: City Position: Oppose

HB 1512 Council on the Status of Women.

Summary as introduced:

Council on the Status of Women. Abolishes the Council on the Status of Women. The Council was established to identify ways in which women can reach their potential and make their full contributions to society and the Commonwealth as wage earners and citizens. The Council lost its independent staff in 1991 and does not currently receive funding. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patrons: Cox, Black, Byron, Hargrove, Jones, S.C., Louderback, Marshall, D.W., McQuigg, Miles, Rapp and Wardrup; *Senators:* Martin and Ruff
02/22/03 Defeated

Notes: City Position: Oppose

HB 1519 Real estate tax; limitation on tax rate.

Summary as introduced:

Real estate tax; limitation on tax rate. Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5-percent increase in the total real estate tax levies, with 2 exceptions. The first exception allows the locality to raise the property tax rate by the rate of population growth plus inflation in the locality for the immediately preceding year. The second exception allows the locality to raise the rate above the 5-percent limit if approved by the voters in a local referendum. Under current law, (i) the annual growth in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

Patrons: Black, Gear, Reid and Welch; *Senator:* Cuccinelli
01/20/03 Defeated

Notes: City Position: Oppose

HB 1526 Personal watercraft; local ordinances; penalty.

Summary as passed House:

Personal watercraft; local ordinances; penalty. Allows the city of Virginia Beach to enact ordinances establishing minimum distances from the shoreline that personal watercraft may be operated in excess of the slowest possible speed required to maintain steerage and headway.

Patron: Purkey

02/12/03 Passed House and Senate

Notes: City Position: Support (original bill would have applied statewide)

HB 1538 Adequate public facilities.

Summary as introduced:

Adequate public facilities. Allows any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district.

Patron: Marshall, R.G.

01/24/03 Defeated

Notes: City Position: Support general concept, but take no position on specific bill.

HB 1539 Adequate public facilities.

Summary as introduced:

Adequate public facilities. Allows any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. The bill specifies that any appraisal of property subject to a deferral under this subsection shall reflect the effect of such deferral on the fair market value of the property.

Patron: Marshall, R.G.

01/24/03 Defeated

Notes: City Position: Support general concept, but take no position on specific bill.

HB 1540 Adequate public facilities.

Summary as introduced:

Adequate public facilities. Allows any locality with a population of at least 55,000 and an annual growth rate of at least 1 percent for 3 of the previous 5 years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. Infrastructure is deemed inadequate if at the time of plan submission it would cost the locality over \$100,000 to provide needed infrastructure.

Patron: Marshall, R.G.

01/24/03 Defeated

Notes: City Position: Support general concept, but take no position on specific bill.

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HB 1568 Virginia Retirement System.

Summary as introduced:

Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a 6-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to 2 percent for all others. Also gradually increases, over a 6-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

Patron: Hamilton

01/27/03 Defeated

Notes: City Position: Oppose

HB 1581 Control of firearms by localities.

Summary as introduced:

Control of firearms by localities. Deletes provisions that allow localities to enforce certain ordinances adopted prior to 1987, related to control of firearms.

Patrons: Cole and Carrico

01/17/03 House: Defeated

Notes: City Position: Oppose

HB 1629 Sheriffs' fees.

Summary as introduced:

Sheriffs' fees. Increases and clarifies some of the fees charged by sheriffs for (i) out of state service, (ii) sheriff's commission on executing a writ, and (iii) advertising expenses.

Patron: Cosgrove

01/22/03 Defeated

Notes: City Position: Support

HB 1651 Freedom of Information Act; employment discrimination

Summary as passed House:

Freedom of Information Act; employment discrimination. Expands the record exemption for investigator notes, and other correspondence and information, furnished in confidence for an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management to include any such investigations conducted by local personnel who conduct these investigations in confidence, including local school boards.

Patron: Albo

02/19/03 Passed House and Senate

Notes: City Position: Support

HB 1674 Virginia Retirement System; purchase of prior service credit.

Summary as introduced:

Virginia Retirement System; purchase of prior service credit. Permits any member to purchase up to 4 years of prior service credit, at the rate of 5 percent of creditable compensation, for any period of time when the member was employed by a nonprofit, tax-exempt entity.

Patron: Petersen

01/27/03 Defeated

Notes: City Position: Oppose

HB 1678 Uniform Statewide Building Code; inspection of rental property.

Summary as passed House:

Uniform Statewide Building Code; inspection of rental property. Authorizes a local governing body to adopt ordinances to inspect residential rental property for compliance with the Building Code. The bill specifies which residential rental property can be subject to such rental inspection program, which properties may be exempted from a rental inspection program, and authorizes the local governing body to charge a fee of not more than \$50 for the inspection. The bill also provides that any ordinance adopted before July 1, 2003 must be brought into compliance with this bill by July 1, 2004 or the ordinance will be void..

Patrons: Rapp, Abbitt, Albo, Bolvin, Cox, Gear, Jones, S.C., Marshall, D.W., Miles, Oder, Reid, Saxman and Wright; *Senators:* Martin, O'Brien, Ruff, Wagner and Williams

02/20/03 Passed House and Senate

Notes: City Position: Oppose

HB 1708 Government Data Collection; genetic information.

Summary as introduced:

Government Data Collection and Dissemination Practices Act; genetic information.

Amends the definition of "personal information" under the Government Data Collection and Dissemination Practices Act to include genetic information, as defined in § 38.2-508.4.

Patron: Purkey

01/30/03 Defeated

Notes: City Position: Support

HB 1758 Va. Public School Authority; School Construction Grant Act

Summary as introduced:

Virginia Public School Authority; School Construction Grant Act of 2003. Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. Half the grants (\$500 million) are to be distributed to each school division in an equal amount of \$3,676,471. The

remaining are to be distributed to each school division on a set per pupil amount based on each division's membership data as a proportion of total membership for all school divisions.

Patron: Amundson

01/27/03 Defeated

Notes: City Position: Support

HB 1760 Standards of Quality; apportionment of state and local share.

Summary as introduced:

Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, to annually increase the state share by 4 percent of the total costs, so that, by July 1, 2008, the local share shall not exceed 60 percent and the state share shall be equal to at least 40 percent of the total costs for localities whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

Patron: Amundson

01/22/03 Defeated

Notes: City Position: Support

HB 1766 Virginia Retirement System; age for retirement.

Summary as introduced:

Virginia Retirement System; age for retirement. Deletes any minimum age requirement for those retiring from the Virginia Retirement System with 30 or more years of creditable service.

Patron: Nutter

01/27/03 Defeated

Notes: City Position: Support

HB 1812 Genetic characteristics; discrimination.

Summary as introduced:

Genetic characteristics; discrimination. Declares it to be the policy of the Commonwealth to safeguard individuals from unlawful discrimination based on genetic characteristics. Conduct that violates Virginia or federal law governing discrimination on the basis of genetic characteristics is defined to be an unlawful discriminatory practice. Contracting agencies entering into procurement contracts with the Commonwealth are required to agree that they will not discriminate against employees or applicants based on a genetic characteristic that is not a bona fide occupational qualification. In addition, localities, if they enact ordinances prohibiting discrimination, must also include discrimination based on genetic characteristics.

Patrons: Welch and Reid

01/30/03 Defeated

Notes: City Position: Support

HB 1822 Medicaid-Buy-In.

Summary as passed House:

Medicaid-Buy-In. Requires the Board of Medical Assistance Services to seek a § 1115 waiver to implement one of the options for a Medicaid Buy-In program for up to 200 working families with disabilities as soon as practicable and cost effective. Such option must be designed to provide working persons with disabilities, who, because of their higher earnings, were not eligible for medical assistance services in Virginia, with access to coverage under the Virginia medical assistance services program. The provision for a Medicaid Buy-In must provide such working persons with disabilities access to this comprehensive health care when they meet the Board's established income and resource or other eligibility criteria and upon payment of a premium to participate in the Virginia Medicaid program. The Board's plan may consist of a time-limited demonstration project or such other option.

Patron: Morgan

02/18/03 Passed House and Senate

Notes: City Position: Support

HB 1883 Deed recordation fee for open-space preservation.

Summary as introduced:

Deed recordation fee for open-space preservation. Imposes a \$1 fee on every deed admitted to record as of July 1, 2003. Requires the Comptroller to distribute the revenue from the fees to the Virginia Outdoors Foundation. The Foundation, established to promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth, shall hold and administer these funds in accordance with its statutory purpose and powers.

Patrons: May and Albo

01/29/03 Defeated

Notes: City Position: Support

HB 1888 Civil penalties for zoning violations.

Summary as passed House:

Civil penalties for zoning violations. Raises the maximum civil penalty for second and subsequent violations of the zoning ordinance from \$150 to \$250. The civil penalty for an initial summons remains unchanged at \$100. Also raises, from \$3,000 to \$5,000 the maximum penalty for a series of specified violations arising from the same operative set of facts.

Patron: May

02/14/03 Passed House and Senate

Notes: City Position: Support

HB 1993 State recordation tax; additional distribution to localities.

Summary as introduced:

State recordation tax; additional distribution to localities. Provides that 50 percent of the state recordation tax collected in excess of \$80 million shall be distributed, beginning June 30, 2004, and each year thereafter, to the counties and cities based on the percentage of recordation taxes collected in each county and city. The remaining 50 percent would be deposited in the state's general fund. The additional amount above \$80 million distributed to counties and cities would be used for land preservation.

Patron: Bloxom

02/04/03 Defeated

Notes: City Position: Support

HB 1998 Local business taxes; appeals.

Local business taxes; appeals. Allows localities, but not the assessing official, to appeal decisions of the State Tax Commissioner.

Patron: Ware

01/29/03 Defeated

Notes: City Position: Oppose

HB 2007 Crimes; assault and battery against a family or household member.

Summary as introduced:

Crimes; assault and battery against a family or household member. Eliminates the requirement that a third or subsequent offense must occur within 10 years of a conviction of a similar offense for such third or subsequent offense to be a felony.

Patron: Bell

01/27/03 Defeated

Notes: City Position: Support

HB 2033 Brandishing a firearm.

Summary as introduced:

Brandishing a firearm. Makes brandishing a firearm during a meeting of any local, state or federal governing body or commission or committee thereof, a Class 6 felony.

Patrons: Scott, Plum and Watts; Senators: Byrne, Howell and Ticer

01/20/03 Defeated

Notes: City Position: Support

HB 2035 Real estate tax; limitation on tax rate.

Summary as introduced:

Real estate tax; limitation on tax rate. Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5 percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year.

Patron: Marshall, R.G.

01/29/03 Defeated

Notes: City Position: Oppose

HB 2078 November elections; mayors, councils of cities and towns; deadlines.

Summary as introduced:

November elections for mayors and councils of cities and towns; related elections and filing deadlines. Provides that all elections for city mayors and councils will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies in May or November. Towns retain that option. City and town governing body elections may be held in November in either even-numbered or odd-numbered years.

Patron: Gear

01/31/03 Defeated

Notes: City Position: Oppose

HB 2105 Medicaid; buy-in.

Summary as introduced:

Medicaid; buy-in. Requires the Department of Medical Assistance Services to apply for a Section 1115 waiver from the federal Center for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include those who have (i) income not in excess of 175 percent of the federal poverty level, (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 percent of the federal poverty level.

Patrons: Van Landingham and Watts

01/30/03 House: Defeated, but HB 1822, which passed, accomplishes the same purpose

Notes: City Position: Support

HB 2123 Uniform Statewide Building Code; basis for regulation.

Summary as introduced:

Uniform Statewide Building Code; basis for regulation. Requires that the Building Code specifically include provisions to prevent overcrowding, rodent or insect infestation, and garbage accumulation, in addition to other existing standards for public health and safety.

Patrons: Reid and Watts

02/17/03 Passed House and Senate

Notes: City Position: Support

HB 2148 Reduced sales tax for certain clothing, footwear, and computers.

Summary as introduced:

Reduced sales and use tax for certain clothing, footwear, and computers. Establishes a state sales and use tax exemption every August 16 through August 22 for "clothing and footwear" costing less than \$200 per article; "computer systems" costing less than \$1,250; and "computers," "computer hardware," and "computer software" costing less than \$500.

Patrons: Rust and Reese

01/29/03 Defeated

Notes: City Position: Support

HB 2210 Sensitive Records Protection Act; penalty.

Summary as passed House:

Emergency services and disaster law; release of records. Allows the Governor or agencies acting on his behalf to receive information, voluntarily submitted from both public and nonpublic entities, related to the protection of the nation's critical infrastructure sectors and components that are located in Virginia or affect the health, safety, and welfare of the citizens of Virginia. Also provides that information submitted by any entity shall not be disclosed unless: (1) it is requested by law-enforcement authorities for an official investigation or criminal prosecution; (2) the agency holding the record is served with a proper judicial order; or (3) the agency holding the record has obtained the written consent to release the information from the entity submitting it.

Patrons: Jones, S.C., Woodrum, Amundson, Baskerville, Brink, Darner, Keister, Melvin, Miles, Moran, O'Bannon, Petersen, Putney, Sherwood and Shuler; Senators: Howell and Stolle

02/17/03 Passed House and Senate

Notes: City Position: Support

HB 2211 FOIA; critical infrastructure and vulnerability assessments.

Summary as passed House:

Freedom of Information Act; critical infrastructure and vulnerability assessments. Expands the current record exemption for engineering and architectural drawings to protect the safety of any public building or its occupants, to clarify that such records relating to critical infrastructure or structural components, security equipment and systems, ventilation systems, fire protection

equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems, as well as vulnerability assessments. The bill applies to all buildings, whether public or private. The bill requires certain procedures to be followed to protect such records. The bill also provides that nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event. Also contains a corollary exemption for the discussion of such records in a closed meeting.

Patrons: Jones, S.C., Woodrum, Almand, Amundson, Baskerville, Brink, Darner, Keister, Melvin, Miles, Moran, O'Bannon, Petersen, Putney, Sherwood, Shuler; Senators Howell, Stolle
02/17/03 Passed House and Senate

Notes: City Position: Support

HB 2237 Local Taxpayer Protection Act.

Summary as introduced:

Local Taxpayer Protection Act. Prevents any new mandate requiring an additional expenditure by a locality from becoming effective unless a sufficient state appropriation is made to affected localities by the General Assembly at its next Session. Such a new mandate will become effective if the General Assembly (i) passes such legislation with an emergency clause and provides funds for the mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

Patron: Pollard

01/28/03 Defeated

Notes: City Position: Support

HB 2242 Restriction on number of adults residing in a dwelling unit.

Summary as introduced:

Restriction on number of adults residing in a dwelling unit. Allows any locality to pass an ordinance limiting the number of adults residing in a dwelling unit. The ordinance must include exceptions for: (i) the temporary presence of adults who have a legal residence elsewhere; (ii) adult children, stepchildren, grandchildren, and step-grandchildren; (iii) the parents, stepparents, grandparents, and step-grandparents of adult children; and (iv) care givers who provide assistance with 2 or more activities of daily living during more than half the year for another adult residing in the dwelling unit. The provisions of such ordinance shall not apply to certain group homes and residential facilities. Violations of such an ordinance shall be a civil offense.

Patrons: Watts, Albo, Parrish, Petersen and Scott; Senators: Byrne and Ticer

01/31/03 Defeated

Notes: City Position: Support

HB 2250 Local piggyback income tax.

Summary as introduced:

Local piggyback income tax. Allows localities to impose a local income tax at a rate of either one-half or 1 percent upon the Virginia taxable income of individuals, trusts, estates, and corporations. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. The provisions of the act will take effect January 1, 2005, if a constitutional amendment eliminating the property tax on motor vehicles is approved in a referendum to be held during the general election in November 2004.

Patrons: Watts and Dillard; *Senators:* Byrne and Ticer

01/29/03 Defeated

Notes: City Position: Support

HB 2276 Non-disclosure of protective orders.

Summary as introduced:

Non-disclosure of protective orders. Allows a person to request non-disclosure by local officials who have access to the residential address, telephone number, or place of employment of the person protected by the order. Currently non-disclosure is automatic.

Patrons: Hurt and Marshall, D.W.

02/18/03 Defeated (withdrawn by patron)

Notes: City Position: Oppose

HB 2336 Attorney General.

Summary as passed House:

Attorney General. Requires courts to notify the Attorney General of any proceeding raising a question as to the constitutionality of state law, and permits the Commonwealth to intervene in such suit for presentation of evidence and for argument on the issue of constitutionality. The bill provides that the Commonwealth has all the "rights of a party to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality."

Patrons: Reese, Bryant, Cosgrove, Drake, Landes, Louderback, O'Bannon, Saxman and Suit

02/17/03 Defeated

Notes: City Position: Support

HB 2337 Voter registration; indication of political party affiliation.

Summary as introduced:

Voter registration; indication of political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote.

Patrons: Reese and Cole

01/31/03 Defeated

Notes: City Position: Support

HB 2341 Va. Residential Landlord and Tenant Act; confidentiality of records.

Summary as passed House:

Virginia Residential Landlord and Tenant Act; confidentiality of tenant records. Prohibits a landlord or managing agent from releasing information about a tenant or prospective tenant except where: (i) the tenant or prospective tenant has given prior written consent; (ii) the information is a matter of public record; (iii) the information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment; (iv) the information is a copy of a material noncompliance notice that has not been remedied or termination notice given to the tenant under § 5-248.31 and the tenant did not remain in the premises thereafter; (v) the information is requested by a local, state, or federal law-enforcement or public safety official; or (vi) the information is otherwise provided in the case of an emergency.

Patron: Drake

02/17/03 Passed House and Senate

Notes: City Position: Support

HB 2345 Deputy sheriffs; retirement allowance.

Summary as introduced:

Deputy sheriffs; retirement allowance. Gives deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System ("VRS") the same retirement benefits as sheriffs. Under current law, any sheriff employed by a political subdivision participating in VRS receives retirement benefits equivalent to those provided under the State Police Officers' Retirement System for state police officers.

Patrons: Weatherholtz and Rapp

01/27/03 Defeated

Notes: City Position: Oppose

HB 2362 Repair of deteriorating buildings.

Summary as passed House:

Repair of deteriorating buildings. Allows localities to prescribe civil penalties, not to exceed a total of \$1,000, for violations of ordinances related to the repair of deteriorating buildings.

Patrons: Shuler; Senator: Deeds

02/14/03 Passed House and Senate

Notes: City Position: Support

HB 2384 Disposition of the unrestorably incompetent defendant.

Summary as introduced:

Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such a

person would have to be released after 5 years.

Patrons: Moran; Senator: Puckett

01/31/03 House: Incorporated into HB2514

Notes: City Position: Support

HB 2392 Virginia Residential Landlord and Tenant Act; attorneys' fees.

Summary as passed House:

Virginia Residential Landlord and Tenant Act; attorneys' fees. Allows a landlord to recover reasonable attorneys' fees unless the tenant proves by a preponderance of the evidence that the failure of the tenant to pay rent or vacate the premises was reasonable. Currently, a landlord can recover attorneys' fees if the tenant's noncompliance was willful. The bill also allows a tenant to recover reasonable attorneys' fees unless the landlord can prove his actions were reasonable.

Patron: Albo

02/10/03 Passed House and Senate

Notes: City Position: Oppose

HB 2433 Sales and use tax; rate increase.

Summary as introduced:

Sales and use tax; rate increase. Increases the state sales and use tax 1 percent from 3.5 percent to 4.5 percent. Half the increase will be appropriated (i) for salary increases for teachers in public schools, and (ii) to address the problems in public education identified in a recent study by the Joint Legislative Audit and Review Commission. The remainder will be distributed to localities to be used for education purposes according to the following formula (i) one-third based on point of sale; (ii) one-third based on a set per pupil amount, based on the latest actual adjusted average daily membership, and the locality's composite index of ability to pay; and (iii) one-third in the same manner that 1 percent of the state sales tax is now distributed among localities.

Patrons: Dillard, Almand, Bloxom, Brink, Christian, Councill, Darner, Hull, Morgan, Parrish, Petersen, Phillips, Plum, Shuler, Stump and Watts; Senators: Byrne and Ticer

01/29/03 Defeated

Notes: City Position: Support

HB 2459 Commissioners of the revenue; agents of the Commissioner of DMV.

Summary as introduced:

Commissioners of the revenue; agents of the Commissioner of DMV. Requires commissioner of the revenue to enter into an agreement with the Department of Motor Vehicles to act as an agent to register and collect fees on motor vehicles that have situs in their localities.

Patron: McDougale

01/30/03 Defeated

Notes: City Position: Oppose

HB 2476 Disposal of trash or cutting of weeds.

Summary as passed House:

Disposal of trash or cutting of weeds. Allows localities to regulate the times and placement of waste and waste containers set out for collection.

Patrons: Crittenden, Christian and Hamilton; Senator: Maxwell

02/14/03 Passed House and Senate

Notes: City Position: Support

HB 2483 Motor vehicles; failure to pay parking citations.

Summary as passed House:

Motor vehicles; failure to pay parking citations. Extends the power of the Commissioner of the Department of Motor Vehicles to refuse to renew motor vehicle registrations when an owner of a vehicle owes delinquent parking citations to the locality where it is registered.

Patron: Tata

02/20/03 Passed House and Senate

Notes: City Position: Support

HB 2498 VA. Residential Landlord & Tenant Act; rental application.

Summary as introduced:

Virginia Residential Landlord and Tenant Act; definition of rental application. Adds a definition of "rental application," which means the written application or similar document used by a landlord to determine if a prospective tenant is qualified to become a tenant of a dwelling unit. Also authorizes a landlord to charge an application fee and to request a prospective tenant to provide information that will enable the landlord to make such determination. The landlord may photocopy each applicant's identification. The landlord may also require that each applicant provide a social security number or an individual taxpayer identification number.

Patrons: Bolvin and Rapp

02/17/03 Passed House and Senate

Notes: City Position: Oppose

HB 2505 Expenses incurred in responding to DUI incident.

Summary as passed House:

Expenses incurred in responding to DUI incident. Expands current provisions allowing reimbursement of expenses incurred in responding to DUI incidents by adding incidents related to other serious traffic offenses such as reckless driving and driving on a suspended license.

Patron: Griffith

02/14/03 Passed House and Senate

Notes: City Position: Support

HB 2509 Plat approval.

Summary as passed House:

Plat approval. Requires the planning commission to make a good faith effort to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any previously disapproved plat within 45 days of resubmittal.

Patrons: McDonnell and Suit

02/18/03 Passed House and Senate

Notes: City Position: Oppose

HB 2529 Uniform Statewide Building Code; installation of comm. equipment.

Summary as passed House:

Uniform Statewide Building Code; installation of communication equipment for emergency public safety personnel. Requires the Board of Housing and Community Development to promulgate regulations as part of the Building Code requiring the installation in such new commercial, industrial and multi-family buildings as determined by the Board construction of emergency communications equipment for emergency service personnel to facilitate effective communication between emergency public safety personnel involved in emergency situations.

Patrons: Almand, Bloxom, Devolites and Petersen; Senators: Byrne, Howell, Ticer and Whipple

02/17/03 Passed House and Senate

Notes: City Position: Support

HB 2672 Excess fees collected by clerks.

Summary as introduced:

Excess fees collected by clerks. Requires the State to disburse to any locality its share of excess clerks' fees if the budget for clerks' offices is reduced and if that locality generates excess fees.

Patron: Drake

01/31/03 Defeated

Notes: City Position: Support

HB 2677 Driver's license suspension for graffiti or other injury to property.

Summary as introduced:

Driver's license suspension for graffiti or other injury to property. Requires the mandatory suspension of the driver's license of any person convicted of destroying, defacing, or damaging any property not his own.

Patrons: Baskerville, Hall, Miles and O'Bannon

01/31/03 Defeated

Notes: City Position: Support

HB 2701 Virginia Public Procurement Act; cooperative procurement.

Summary as introduced:

Virginia Public Procurement Act; cooperative procurement. Clarifies that except for contracts for professional services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request or invitation noted that the procurement was being conducted on behalf of other public bodies.

Patrons: Reid, Jones, S.C. and Woodrum; *Senators:* Stosch and Watkins

02/17/03 Passed House and Senate

Notes: City Position: Support

HB 2713 Business, professional and occupational license (BPOL) tax

Summary as introduced:

Business, professional and occupational license (BPOL) tax, limitations on localities.

Prohibits any locality from imposing the BPOL tax on any person, firm or corporation engaging in the business of renting real property and having more than one definite place of business in different localities, provided such person, firm or corporation can produce sufficient evidence that the license tax has been paid on such income to the county, city or town in which it conducts the majority of its business. The bill has a retroactive effective date of January 1, 1998.

Patron: Drake

01/29/03 Defeated

Notes: City Position: Oppose

HB 2714 Preservation of monuments and memorials.

Summary as introduced:

Preservation of monuments and memorials. Prohibits certain monuments or memorials that are erected on public property of the State or its political subdivisions from being relocated, removed, disturbed or altered. Monuments or memorials may temporarily be relocated or removed in order to perform construction or maintenance on streets, highways or utilities. No street, bridge, structure, park, preserve, reserve, or other public area of the Commonwealth or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body from taking proper measures to protect, preserve, and care for these monuments, memorials, or nameplates.

Patrons: Hargrove; *Senator:* Hawkins

01/31/03 Defeated

Notes: City Position: Oppose

HB 2735 Business, Professional and Occupational Licensing Tax (BPOL)

Summary as introduced:

BPOL Tax. Requires localities that impose the BPOL tax to (i) eliminate license fees by January

1, 2005, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2005, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2005.

Patron: Shuler

01/29/03 Defeated

Notes: City Position: Oppose

HB 2750 Commonwealth Private Investment Inducement Act of 2003.

Summary as passed House:

Commonwealth Private Investment Inducement Act of 2003. Dedicates one-third of the annual insurance license tax revenue to transportation projects in highway construction districts based on the percentage of the population of the Commonwealth residing in each such district. The portion of such revenues that otherwise would be distributed to: (i) the Northern Virginia Construction District is instead deposited into the Northern Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects; (ii) the Hampton Roads Construction District is instead deposited into the Hampton Roads Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area; (iii) the Bristol, Salem, and Staunton Construction District is instead deposited into the Western Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area. The amount of such bond proceeds utilized must be matched by equal or greater funds from private entities, localities, or both.

Patrons: Rollison, Marshall, R.G., Albo, Almand, Amundson, Black, Bolvin, Brink, Callahan, Cosgrove, Darner, Devolites, Hugo, Lingamfelter, Marshall, D.W., May, McDonnell, McQuigg, Moran, Nutter, Parrish, Petersen, Plum, Purkey, Reese, Rust, Scott, Sears, Suit, Tata, Watts and Welch; Senators: Byrne, Colgan, O'Brien, Puller and Ticer

02/12/03 Defeated

Notes: City Position: Originally supported, but changed to "No Position" when bill was amended

HB 2779 Accident and sickness insurance; coverage for household members.

Summary as introduced:

Accident and sickness insurance; coverage for household members. Permits an accident and sickness insurance policy to be extended to include coverage for persons (i) in whom the primary insured has an insurable interest, and (ii) who reside in the same household as the insured. Current law only permits coverage to be extended to a spouse or dependent children.

Patrons: Dillard, Callahan and Plum

01/30/03 Defeated

Notes: City Position: Support

HB 2792 Electronic Government Services Act created.

Summary as introduced:

Electronic Government Services Act created. Prohibits a public body from providing electronic commerce services that duplicate or compete with similar services provided by the private sector unless the public body provides notice and a hearing for the public to submit comments. The notice must include proposed findings of fact and law, costs, a statement of the public benefit and unmet need, and a statement describing the impact of such services on the private sector. The public body must sign factual and legal conclusions addressing the public comments and the factors required by the Act. Where competition exists, the public body must file an annual report. The bill also creates a cause of action for any private entity engaged in the electronic commerce business to challenge the sufficiency of the factual and legal conclusions, as well as to challenge the provision of services in general.

Patrons: Devolites and Hugo

01/30/03 Defeated

Notes: City Position: Oppose

HB 2801 VA Public School Authority; School Construction Grant Act.

Summary as introduced:

Virginia Public School Authority; School Construction Grant Act of 2003. Authorizes the Virginia Public School Authority (VPSA) to issue bonds to fund grants to localities in the total amount of \$950 million to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. The \$950 million in grants shall be distributed to localities according to the following formula (i) one-half based on the proportion of sales and use tax revenue generated in each locality; and (ii) the remaining one-half based on a set per pupil amount, based on the latest actual adjusted average daily membership, and adjusted by the locality's composite index of ability to pay. In implementing this bill, the VPSA may not incur more than a total of \$250 million in debt annually.

Patrons: Scott, Albo, Almand, Amundson, Baskerville, Bolvin, Brink, Christian, Darner, Devolites, Hull, Moran, Petersen, Plum, Rust and Watts

01/29/03 Defeated

Notes: City Position: Support

HB 2831 Child protective services; standard of proof.

Summary as introduced:

Child protective services; standard of proof. Provides that the standard of proof for a local department of social services to use in determining whether a reported case of child abuse or neglect is founded is by clear and convincing evidence. Currently, the standard of proof is preponderance of the evidence and is set by State Board of Social Services' regulation. The bill requires that any determination that a complaint or report is founded shall be based primarily on

first source evidence; in no instance shall a determination that a complaint or report is founded be based solely on indirect evidence or an anonymous complaint.

Patrons: Sears, Devolites, Melvin, Nixon, Reid and Welch; *Senators:* Bolling and Cuccinelli
01/30/03 Defeated

Notes: City Position: Oppose

HJ 588 Study; Department of Fire Programs; report.

Summary as passed House:

Study; Department of Fire Programs; report. Requests the Department of Fire Programs to study the feasibility of adopting requirements within the Commonwealth that will ensure that buildings are constructed and equipped in such a way that will permit emergency public safety personnel to utilize effective and reliable radio communications while they are within buildings. The Department will report its recommendations to the Governor and the General Assembly.

Patrons: Callahan, Devolites, Petersen and Rust; *Senators:* Byrne and Ticer
02/13/03 Passed House and Senate

Notes: City Position: Support

HJ 598 Constitutional amendment; education funding

Summary as introduced:

Constitutional amendment; state and local funding for public education. Requires the General Assembly, in apportioning the state and local share for meeting the Standards of Quality, to ensure that the state share is no less than 55 percent of the total costs.

Patrons: Scott, Albo, Amundson, Bolvin, Dillard, Hull, Plum, Reese, Rust and Watts; *Senators:* Byrne, Howell, Puller and Ticer
01/31/03 Defeated

Notes: City Position: Support

HJ 635 Constitutional amendment; restoration of civil rights

Summary as passed:

Constitutional amendment; restoration of civil rights for certain felons. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

Patrons: Moran, Alexander, Kilgore, McDonnell, Melvin, and Sears; *Senators:* Howell, Norment and Stolle

02/18/03 Passed House and Senate

Notes: City Position: Support

SB 704 Sales tax on motor fuels.

Summary as introduced:

Sales tax on motor fuels. Provides for a statewide sales tax on the sale of motor fuels. The tax would be imposed at the rate of 4.5% of the retail price, and would be added to the price of motor fuel. All revenues generated from the tax would be deposited into the Transportation Trust Fund.

Patron: Miller, K.G.

01/30/03 Defeated

Notes: City Position: Support

SB 720 Virginia Retirement System.

Summary as introduced:

Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a 6-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to 2 percent for all others. Also gradually increases, over a 6-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

Patrons: Wampler, Blevins, Puckett and Reynolds

01/28/03 Defeated

Notes: City Position: Oppose

SB 725 Buses; local ordinances may require traffic to yield right-of-way.

Summary as passed Senate:

Buses; local ordinances may require traffic to yield right-of-way. Allows localities to adopt ordinances to require motorists to yield the right-of-way to transit buses merging into traffic.

Patrons: Deeds; Delegate: Van Yahres

02/11/03 Defeated

Notes: City Position: Support

SB 737 Virginia Freedom of Information Act; contract negotiations.

Summary as introduced:

Virginia Freedom of Information Act; exemptions for contract negotiations. Adds a record exemption for records relating to the negotiation and award of a specific contract where competition or bargaining is involved and the release of the records would adversely affect the bargaining position or negotiating strategy of the public body. The bill provides that such records shall not be withheld after the public body has made a decision to award or not to award the contract and shall not apply to the release of records in connection with transactions governed by the Virginia Public Procurement Act. The bill also provides an exemption for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of

bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position of the public body.

Patron: Houck

02/13/03 Passed House and Senate

Notes: City Position: Support

SB 744 Green warning lights.

Summary as passed Senate:

Green warning lights. Allows use of green warning lights on incident command vehicles.

Patron: O'Brien

02/18/03 Passed House and Senate

Notes: City Position: Support

SB 773 Real estate tax; limitation on tax rate.

Summary as introduced:

Real estate tax; limitation on tax rate. Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5-percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase would not exceed 5 percent. However, some taxpayers could be above or below the average.

Patrons: Cuccinelli, Bolling, Hanger, Mims and Rerras; *Delegates:* Black and Hugo

02/04/03 Defeated

Notes: City Position: Oppose

SB 777 Restriction on unfunded local mandates.

Summary as introduced:

Restriction on unfunded local mandates. Prohibits any law from being enacted that results in an unfunded net additional expenditure, as defined in § 30-19.03:1, by any county, city, or town.

Patron: Blevins

02/04/03 Defeated

Notes: City Position: Support

SB 789 Sales and use tax; limited time exemption for school supplies/clothing

Summary as introduced:

Sales and use tax; limited time exemption for school supplies and clothing. Provides a sales

and use tax exemption for school supplies and certain clothing and footwear that are purchased during the third weekend in August beginning in 2004 and each year thereafter.

Patron: Deeds

02/04/03 Defeated

Notes: City Position: Support

SB 819 Court fees and costs.

Summary as introduced:

Court fees and costs. Implements amendments made by the 2002 Session to the fixed-fee provisions for felonies, misdemeanors, traffic infractions, and other violations.

Patron: Norment

02/14/03 Defeated

Notes: City Position: Support

SB 834 Violation of protective orders.

Summary as passed Senate:

Violation of protective orders. Provides that when a defendant is convicted of violating a domestic or stalking protective order, the court must issue a new protective order for a specified period not to exceed 2 years from the date of conviction.

Patron: Howell

02/19/03 Passed House and Senate

Notes: City Position: Support

SB 835 Cigarette manufacturing tax.

Summary as introduced:

Cigarette manufacturing tax. Imposes a state tax on cigarette manufacturers in the amount of twenty hundredths of a cent per cigarette manufactured or produced in Virginia on or after January 1, 2004 (the tax is 4 cents per pack of cigarettes, based on 20 cigarettes in a pack). The moneys collected from such tax, including penalties and interest, shall be credited to a special fund titled "Local Government School Construction Fund." All such moneys shall be distributed quarterly to counties and cities within 30 days after the end of each calendar quarter beginning with the calendar quarter ending March 31, 2004. Moneys in the Fund shall be distributed to counties and cities on a set per pupil amount, based on the latest actual adjusted average daily membership as determined by the Department of Education. All moneys distributed to localities shall be used solely for public school construction.

Patrons: Howell, Byrne, Puller and Ticer; Delegates: Dillard, Plum and Scott

01/29/03 Defeated

Notes: City Position: Support

SB 836 Virginia Human Rights Act; discrimination in employment on the basis of genetic testing or genetic characteristics.

Summary as introduced:

Virginia Human Rights Act; discrimination in employment on the basis of genetic testing or genetic characteristics. Provides that "unlawful discriminatory practice" under the Virginia Human Rights Act includes discrimination in employment based on genetic tests or genetic characteristics. Also authorizes a county to enact an ordinance prohibiting such discrimination and for local commissions on human rights to investigate alleged violations of the ordinance.

Patron: Howell

02/13/03 Defeated

Notes: City Position: Support

SB 848 Health insurance credit; retired teachers.

Summary as introduced:

Health insurance credit; retired teachers. Increases the health insurance credit for retired teachers from \$2.50 to \$4 per month for teachers for each year of creditable service, not to exceed a maximum monthly credit of \$120 for teachers with 30 or more years of service.

Patrons: Howell, Blevins and Reynolds

01/28/03 Defeated

Notes: City Position: Support

SB 893 Protective orders; dating violence.

Summary as passed Senate:

Protective orders when warrant issued for perpetrator. Includes in the provisions that allow for the issuance of protective orders following incidents of stalking, provisions that allow for the issuance of protective orders following incidents of assault, acts of violence resulting in injury to person or property, trespass by computer and harassment by telephone. To obtain a protective order under these provisions, an arrest warrant must have been issued for the alleged perpetrator.

Patron: Watkins

02/22/03 Passed House and Senate

Notes: City Position: Support

SB 909 Workers' compensation; presumption; mold exposure.

Summary as introduced:

Workers' compensation; occupational disease presumption; mold exposure. Establishes a presumption that an immunologic or allergic reaction, toxic effect or infectious respiratory or pulmonary disease that results in the death or total or partial disability of a claimant shall be presumed to be an occupational disease that is covered by the Virginia Workers' Compensation Act, if the claimant establishes by a preponderance of the evidence that the condition resulted from mold exposure that occurred during the course of the claimant's employment within a

building that is determined to be contaminated by the presence of mold.

Patron: Miller, Y.B.

02/03/03 Defeated

Notes: City Position: Oppose

SB 911 Delinquent parking citations.

Summary as introduced:

Delinquent parking citations. Provides a mechanism whereby the Commissioner of the Department of Motor Vehicles will refuse to renew the vehicle registration of any applicant if the vehicle is subject to 2 or more unpaid parking citations that are more than 90 days delinquent.

Patrons: Whipple; Delegates: Albo, Bolvin, Callahan, Darner, Dillard, Rust, Scott and Watts

01/09/03 Defeated

Notes: City Position: Support

SB 948 Local Taxpayer Protection Act.

Summary as introduced:

Local Taxpayer Protection Act. Prohibits any new program or mandate requiring an additional expenditure by any locality from becoming effective unless an annual appropriation is made to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

Patrons: Houck, Deeds, Puckett and Reynolds

01/28/03 Defeated

Notes: City Position: Support

SB 991 Juvenile and domestic relations court expanded jurisdiction.

Summary as passed Senate:

Juvenile and domestic relations court expanded jurisdiction. Expands the definition of "child in need of services" to mean a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or any other person. This legislation is in response to the beating of a three year-old girl named Hannah by two boys, ages five and six, in Loudoun County.

Patrons: Mims; Delegate: Black

02/13/03 Passed House and Senate

Notes: City Position: Oppose

SB 1028 Attorney General.

Summary as introduced:

Attorney General. Authorizes the Attorney General to enter in any action where the constitutionality of a state law or regulation is questioned. The bill also allows the Attorney General to collect attorney's fees for services provided to certain entities of the Commonwealth when the legal service provided relates to financial transactions.

Patrons: Chichester, Blevins, Hanger and Mims

02/04/03 Defeated

Notes: City Position: Support

SB 1043 Child protective services; investigation procedures.

Summary as passed Senate:

Child protective services; school personnel. Requires each local department of social services and school division to adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports against school personnel. When the subject of the child abuse or neglect complaint is an employee of a local school board, the local department of social services must conduct a face-to-face interview with the employee, and must notify the employee at the onset of the interview of the general nature of the complaint, of the identity of the alleged victim and of his right to have an attorney or other representative present during any interview. The local department must give the employee a written summary of the investigation and an explanation of how the information gathered supports the disposition.

Patron: Blevins

02/17/03 Passed House and Senate

Notes: City Position: Oppose as originally introduced (bill was revised so that it now incorporates state regulations into state law)

SB 1073 Local meals and lodging taxes limitations.

Summary as introduced:

Local meals and lodging taxes limitations. Prohibits any city or town from imposing a meals tax or increasing such a tax unless the tax or its rate increase is approved by voter referendum. No city or town may impose a lodging tax at a rate in excess of 2 percent unless used for tourism promotion when the rate is limited to 5 percent. The limitations apply only to those cities and towns that do not have a meals or lodging tax as of January 1, 2003.

Patron: Rerras

02/04/03 Defeated

Notes: City Position: Oppose

SB 1103 Mortgage Lender and Broker Act; predatory practices.

Summary as introduced:

Mortgage Lender and Broker Act; predatory practices. Contains recommendations of the Virginia Housing Study Commission to strengthen consumer protection measures in the Mortgage Lender and Broker Act. The State Corporation Commission (SCC) may suspend individuals convicted of fraud or other crimes from working in the mortgage lending industry, and registered lenders and brokers must file with the SCC a notice of the filing of bankruptcy, denial or revocation of opportunity to engage in business in another state, or felony indictments.

Patrons: Whipple and Mims

02/14/03 Passed House and Senate

Notes: City Position: Support

SB 1160 Disposition of the unrestorably incompetent defendant.

Summary as passed Senate:

Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after 5 years.

Patrons: Ticer, Edwards, Lucas and Puller; *Delegates:* Albo, Amundson, Bolvin, Darner, Dillard, Petersen, Reese, Rust and Watts

02/19/03 Passed House and Senate

Notes: City Position: Support

SB 1224 EMTs' authorization to possess and administer epinephrine.

Summary as passed Senate:

Emergency medical services technician authorization to possess and administer epinephrine. Authorizes all EMTs to possess and administer epinephrine in emergency cases of anaphylactic shock.

Patron: Williams

02/12/03 Passed House and Senate

Notes: City Position: Support

SB 1227 Local taxes; administrative fees to collect delinquent taxes or other delinquent charges.

Summary as introduced:

Local taxes; administrative fees to collect delinquent taxes or other delinquent charges.

Increases the fees that may be charged by local governments for administrative costs incurred in collecting delinquent taxes or other delinquent charges. The fees are increased from \$20 to \$30 for delinquent taxes and other charges collected before judgment is taken, and from \$25 to \$35

for such taxes and charges collected subsequent to a judgment.

Patron: Williams

02/17/03 Passed House and Senate

Notes: City Position: Support

SB 1262 Inoperable motor vehicles.

Summary as introduced:

Inoperable motor vehicles. Requires localities to allow at least 3 inoperable motor vehicles to be kept on residential or commercial property provided they are shielded from public view.

Patron: Trumbo

01/28/03 Defeated

Notes: City Position: Oppose

SB 1273 Real estate tax; limitation on tax rate.

Summary as introduced:

Real estate tax; limitation on tax rate. Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a 5 percent increase in the total real estate tax levies for a county, city or town, with 1 exception. The bill also provides that a locality may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with 1 exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed 5 percent.

Patron: O'Brien

02/04/03 Defeated

Notes: City Position: Oppose

SB 1297 Northern Virginia Transportation Program Bond Act of 2003.

Summary as introduced:

Northern Virginia Transportation Program Bond Act of 2003. Authorizes the Northern Virginia Transportation Authority to issue up to \$1 billion in bonds to complete and implement certain transportation projects. In general, the first \$50 million available for allocation in each fiscal year is allocated to the Northern Virginia construction district for use by the Authority. Funds may be used only to pay the costs to complete and implement such transportation projects.

Patrons: Colgan, Byrne, Cuccinelli, Howell, Mims, O'Brien, Puller, Saslaw, Ticer and Whipple;

Delegates: Albo, Hull, Parrish and Pollard

01/29/03 Defeated

Notes: City Position: Oppose

SJ 283 Constitutional amendment; restoration of civil rights.

Summary as passed Senate:

Constitutional amendment; restoration of civil rights for certain felons. Authorizes the General Assembly to provide for the restoration of civil rights for persons who have been convicted of nonviolent felonies and who meet any conditions prescribed by law.

Patron: Miller, Y.B.

02/13/03 Passed House and Senate

Notes: City Position: Support

SJ 311 Constitutional amendment; assessment of real property.

Summary as introduced:

Constitutional amendment; assessment of real property. Provides that beginning with the 2006 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. If real property is sold or improved, it shall be assessed at fair market value for the year in which the transaction or improvement occurs. Such fair market value assessment shall then be subject to the 5 percent limitation in subsequent tax years until such time as the property is again sold or improved.

Patron: Reynolds

01/30/03 Defeated

Notes: City Position: Oppose

Attachment 2

General Assembly Budget Amendments Affecting the City of Alexandria: FY 2003-2004

Program	Governor's Budget	House Proposal	Senate Proposal	General Assembly Approved
1. Federal Prisoner Per Diem Funds	Exempts City from sharing federal per diem funds with State	Revert \$1.09M annually of City per diem receipts to the State	Proposes no sharing of federal per diems with State	Adopted Senate proposal to continue exemption; State will not take federal per diem payments away from the City.
2. HB 599	\$6,110,429 (03) \$6,300,000 (04 est.)	\$5,935,230 (03) (04)	\$5,947,100 (03) \$6,128,000 (04 est.)	Adopted House proposal; City projects level funding for HB 599 in FY 04 (\$5,935,230).
3. Arlandria Clinic	\$95,625	\$95,625	\$95,625	Continued \$95,625 in State funding; Clinic will not be listed as a "special project," and should be included in the Governor's FY 2005-2006 base budget.
4. Salary increases for state-supported local employees	No increases proposed	Proposes 2.5% increase, Dec/03	Proposes 2% increase, Dec/03	Salary increase of 2.25% on 12/1/03 if there is no revenue downturn prior to 8/15/03.
5. Salary increases for teachers	No increases proposed	No increases proposed	Proposes \$61,166 in salary increases for teachers	Includes \$103,030 in funding for salary increases for Alexandria teachers if there is no revenue downturn prior to 8/15/03.
6. Alexandria City Public Schools	Proposes only technical changes, due to changes in sales tax revenues and population	03: (\$17,999) 04: \$104,072	03: (\$17,999) 04: \$110,167	Includes technical changes, due to changes in sales tax revenues and population. 03: (\$17,999) 04: \$93,453
7. Litter Control	Eliminates state funding	Accepts Governor's recommendation to eliminate funding	Restored funding	Accepted Senate proposal and restored funding. City received approximately \$15,869 from the state for this program in FY 03.
8. Project Discovery	Provides \$849,060	Eliminates all state funding	Accepts Governor's recommendation	Statewide funding is retained at \$800,000 for FY 04.
9. State-Local Hospitalization Program	No changes proposed	Increases local share from 25% to 27%	No changes proposed	Increased local share from 25% to 26%. Impact on City is unknown, but likely minor.
10. Treasurers & Commissioners of Revenue (City Finance Department)	No further reductions below October proposals	Proposes further reductions of \$4.7M in 04	Accepts Governor's recommendation	Reduces payments by approximately \$1.1 million; staff is unable to determine impact on City at this time (further state action is required).
11. Common-wealth's Attorneys	In October, proposed 7% reduction; in December, lowered this to 5%	Accepts Governor's December recommendation	Proposes 7% reduction in 03, and 5% in 04	Accepts recommendation of Senate: 7% reduction in 03, and 5% in 04. Reductions for City: FY 03: \$59,360 FY 04: \$42,400

Program	Governor's Budget	House Proposal	Senate Proposal	General Assembly Approved
12. Child Day Care Funding (Governor to give priority to various increases in child day care funding as he prepares next biennial budget)	Not in Governor's proposed budget	Language not included in House proposal	Language included in Senate proposal	Language included in budget as City requested: "The Governor shall consider providing additional child care funding in the following priority areas [in the 2004-6 budget]: (1) provide an additional 12 months of day care assistance for those no longer receiving TANF financial assistance, (ii) revise eligibility policies to reflect the high cost of child day care in certain areas of the Commonwealth, and (iii) adjust reimbursement rates to reflect current market rates."
13. Homeless Programs	Proposes no new funding	Proposes no new funding	Recommends \$900,000 statewide in additional funding	Includes \$500,000 statewide in additional funding for the homeless.
14. Mental retardation waivers	Proposes no new funding	Adds funding for 150 additional waiver slots for mentally retarded persons statewide	Adds funding for 175 additional waiver slots for mentally retarded persons statewide	Adds funding for 175 additional waiver slots for mentally retarded persons statewide.
15. TANF (Temporary Assistance for Needy Families)	No significant amendments	Reduces TANF funding by 15% for a number of programs, including domestic violence, homeless assistance, and Healthy Families	No significant amendments	Reduces TANF funding by 15% for a number of programs, including domestic violence (City's domestic violence program expects to lose \$8,000); restores unspecified amount of funding to Healthy Families.
16. Fines for speeding tickets	Does not address this issue	Directs a portion (\$2 of each \$5) of fines imposed by localities for violating a local speeding ordinance where the posted limit is 55 mph or more to the State Literary Fund	Does not address this issue	Rejects House proposal.
17. VA CARES (pre/post incarceration services)	Asked to add \$438,274	Did not add funds	Did not add funds	Governor proposed funding needed for federal match; since neither house accepted this recommendation, the match funding will not be appropriated.